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Attorney for Donald Clyburn

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-07-0473-PJH
)	
Plaintiff,)	DEFENDANT DONALD CLYBURN'S
)	REQUEST AND [PROPOSED] ORDER FOR
Vs.)	HEARING REGARDING MEDICAL CARE
)	WHILE IN CUSTODY
DONALD CLYBURN,)	
)	Honorable Phyllis J. Hamilton
Defendant.)	
)	April 16, 2008 @ 2:30 p.m.
)	
)	

Defendant Donald Clyburn, by and through his attorney, Steven F. Gruel, hereby submits this Request and [Proposed] Order For Hearing Regarding Medical Care While in Custody.

REQUEST FOR HEARING

On February 27, 2008, Donald Clyburn entered his guilty plea in this case. Pursuant to stipulation, Mr. Clyburn agreed to his remand to custody to await sentencing. Sentencing is scheduled for June 4, 2008.

Mr. Clyburn has several medical issues that require attention. First, Mr. Clyburn suffers

1 from iritis which, when it flares up, requires certain medication and the care of an
2 ophthalmologist. Undersigned counsel has received a letter from Mr. Clyburn's
3 ophthalmologist, Doctor Lillie A. Mosaddegh, verifying this condition and the need for special
4 treatment a certain prescription.

5 Also, Mr. Clyburn unfortunately suffers from numerous problems associated with suspected
6 esophageal reflux. He suffers from asthma and heart arrhythmia. Doctor Martin Liberman
7 outlined for defense counsel Mr. Clyburn's difficult medical situation.

8 Since remand to custody, Mr. Clyburn has not had his medical issues sufficiently addressed
9 by the staff at FCI Dublin. His numerous visits to Dublin's limited medical facility have failed
10 to address any of these concerns. In fact, two planned visits by an ophthalmologist to Dublin in
11 order to examine Mr. Clyburn have been cancelled by this doctor at the last minute. The next
12 visit by an ophthalmologist to Dublin is not until May 2008. In the meantime, Mr. Clyburn's
13 condition is not improving.

14 Undersigned counsel has attempted to address these medical matters without the need for
15 Court intervention. Letters from Mr. Clyburn's doctors (Liberman and Mosaddegh) have been
16 shared with the Bureau of Prisons, United States Attorney's Office and United States Marshals.
17 For nearly a month now, efforts have been made by undersigned counsel with the government to
18 provide the necessary care for Mr. Clyburn's conditions. These efforts have not been
19 unsuccessful.

20 Therefore, Mr. Clyburn respectfully requests that this case be added to the Court's April 16,
21 2008 2:30 p.m. calendar so that these matters may be addressed with the assistance of the Court.

22 Dated: 04/14/08

23 /s/

24 STEVEN F. GRUEL

25 Attorney for Donald Clyburn

26 DEFENDANT DONALD CLYBURN'S REQUEST AND [PROPOSED] ORDER
FOR HEARING REGARDING MEDICAL CARE WHILE IN CUSTODY

[~~PROPOSED~~] ORDER

Predicated upon the above request, IT IS HEREBY ORDERED, that the above captioned case
be added to the April 16, 2008 1:30 p.m. calendar and that the United States Marshals include
pretrial detainee Donald Clyburn for court that day.

DATED: 4/15/08

